

**A RESOLUTION
BY TRANSPORTATION COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN
AIRPORT USE LICENSE AGREEMENT WITH ASTAR AIR
CARGO, INC. FOR OPERATIONS AT HARTSFIELD-JACKSON
ATLANTA INTERNATIONAL AIRPORT; AND FOR
OTHER PURPOSES.**

WHEREAS, ASTAR Air Cargo, Inc. ("ASTAR") desires to provide cargo service from Hartsfield-Jackson Atlanta International Airport ("Airport"); and

WHEREAS, in furtherance of its plan to operate such flights, ASTAR desires to enter into an Airport Use License Agreement with the City of Atlanta ("City") as a domestic carrier serving the Airport; and

WHEREAS, the Aviation General Manager believes that it is in the best interest of the Airport and the City to enter into an Airport Use License Agreement with ASTAR, as hereinafter set forth, and recommends the execution of such an Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor is authorized to execute on behalf of the City of Atlanta an appropriate Airport Use License Agreement with ASTAR which shall contain the following terms, conditions, and provisions:

- 1) a term effective as of January 11, 2009 and ending September 20, 2010; provided that either party may terminate the agreement by giving at least 30 days prior written notice to the other party; and
- 2) a landing fee to be computed at the then current landing fee rate, which rate will be applied per 1,000 pounds of the FAA Maximum Certificated Gross Landing Weight of each aircraft scheduled to land at the Airport. The landing fee rate shall be subject to adjustment from time to time at the discretion of the Aviation General Manager. Such adjustments shall be consistent with landing fee rates charged similarly classified airlines at the Airport; and
- 3) such other terms, conditions, and provisions as may be required by City ordinances or Federal regulations or which are otherwise deemed appropriate by the Aviation General Manager.

BE IT FURTHER RESOLVED that the City Attorney is directed to prepare said Agreement for execution by the Mayor.

BE IT FINALLY RESOLVED that said Agreement shall not become binding upon the City of Atlanta, and the City of Atlanta shall incur no obligation nor liability thereunder until the same has been approved as to form by the City Attorney, signed by the Mayor, attested to by the Municipal Clerk and delivered to ASTAR Air Cargo, Inc.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview:

Caption:

Council Meeting Date:

Requesting Dept.:

FAC Confirmed by:

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

This Resolution would authorize the execution of an Airport Use License Agreement covering the use of runways, taxiways and other common airfield facilities with ASTAR.

2. Please provide background information regarding this legislation.

ASTAR would initially provide five flights per week to Orlando and five flights per week to Wilmington, Ohio. All flights would be with a DC8-73f which has a maximum certificated landing weight of 355,000 pounds. The agreement would have a term beginning January 11, 2009 and ending September 20, 2010.

The current Airport Use License Agreement Landing Fee is \$1.01 per 1,000 pounds of Maximum Landing Weight. The Landing Fee can be changed from time to time by the Department of Finance.

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**

(b) **Source Selection:**

(c) **Bids/Proposals Due:**

(d) **Invitations Issued:**

(e) **Number of Bids:**

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

4. Fund Account Center (*Ex. Name and number*):

Fund: _____ Account: _____ Center: _____

5. Source of Funds: *Example: Local Assistance Grant*

6. Fiscal Impact: None

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.

7. Method of Cost Recovery: Landing Fees paid by ASTAR

Examples:

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By: Bill Murphy

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Anita Williams

Contact Number: 404-530-6600

Originating Department: Aviation

Committee(s) of Purview: Transportation

Chief of Staff Deadline: 1/27/09

Anticipated Committee Meeting Date(s): 2/11/09

Anticipated Full Council Date: 2/16/09

Commissioner Signature: Mandis

CAPTION

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FINANCIAL IMPACT (if any)

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 1.26.09 DD Reviewed by: JP
(date) (date)

Submitted to Council: _____
(date)